

itemizing in detail the quality, quantity, kind or grade of each item of goods, wares and other articles to be sold, with the wholesale market value thereof, together with a declaration that the merchandise or property proposed to be sold at public auction is a bona fide part of the merchant's stock in trade, and not secured, purchased or brought into such place of business for or in anticipation of such sale, and the name of the auctioneer who shall conduct the sale.

(1953 Code, ch. 5, § 8)

Sec. 7-11. "Capping", "boosting", false bidding prohibited.

It shall be unlawful for any person to act, or to employ another to act, as a by-bidder, or what is commonly known as a "capper" or "booster" at any auction sale, or to make or accept any false or misleading bid or to pretend to buy any articles sold or offered for sale at any auction.

(1953 Code, ch. 5, § 9)

Secs. 7-12-7-15. Reserved.

Editor's note—Sections 7-12-7-15, regulating jewelry auctions, derived from 1953 Code, ch. 5, §§ 10-13, were repealed by § 4 of Ord. No. 7434, adopted June 18, 1990.

Sec. 7-16. Advertising.

Auction advertisements must contain auction house or auctioneer's license number of the party conducting such auction.

(Ord. No. 7434, § 5, 6-18-90)

Secs. 7-17-7-25. Reserved.

ARTICLE II. PEDDLERS

Sec. 7-26. License for peddlers required.

(a) No person shall engage in the business of a peddler without first obtaining a license.

(b) An application for a license shall be filed with the city on forms provided by the license section of the finance department, which form shall require applicants, among other things, to state the length of applicant's residence in the city.

(Ord. No. 4677, § 1, 6-27-77; Ord. No. 8129, § 1, 9-27-93)

Sec. 7-27. Issuance of license.

No license shall be issued for the business of a peddler who has not paid the fees required by the Tucson Code.

(Ord. No. 4677, § 1, 6-27-77; Ord. No. 8129, § 1, 9-27-93)

Sec. 7-28. Insurance.

Liability insurance in a form and with a company approved by the city against death, damages or injury, in an amount of not less than \$300,000.00/\$100,000.00 shall be obtained by any peddler who sells from public property and the policy shall include the city as a named insured.

(Ord. No. 4677, § 1, 6-27-77; Ord. No. 8129, § 1, 9-27-93)

Sec. 7-29. Health certificate.

No license shall be issued to a food peddler unless a valid health certificate has been issued.

(Ord. No. 4677, § 1, 6-27-77; Ord. No. 8129, § 1, 9-27-93)

Sec. 7-30. Advertising signs.

All advertising signs must be located on and affixed to the peddler's vehicle.

(Ord. No. 4677, § 1, 6-27-77; Ord. No. 8129, § 1, 9-27-93)

Sec. 7-31. Trash receptacle.

Each peddler's vehicle shall have on it a trash receptacle.

(Ord. No. 4677, § 1, 6-27-77; Ord. No. 8129, § 1, 9-27-93)

Sec. 7-32. Cleanliness.

A peddler's vehicle shall be kept neat and clean

(Ord. No. 4677, § 1, 6-27-77; Ord. No. 8129, § 1, 9-27-93)

Sec. 7-33. Vehicles attended.

A peddler's vehicle must be attended at all times.

(Ord. No. 4677, § 1, 6-27-77; Ord. No. 8129, § 1, 9-27-93)

Sec. 7-34. Peddler locations, regulation of.

(a) It is unlawful for a peddler to merchandise wares from private property unless the peddler displays a current city license, displays written proof of authority to use the private property for peddling and is in compliance with all state laws and city ordinances regulating sales by peddlers in private locations.

(b) It is unlawful for a peddler to merchandise wares from any public location within the city unless the peddler displays a current city license, displays written permission from the city department having jurisdiction over the public location, and is in compliance with all state laws and city ordinances regulating sales by peddlers in public locations.

(Ord. No. 5547, § 1, 4-12-82; Ord. No. 8129, § 1, 9-27-93)

7-35. Criteria for issuance of license.

The finance director shall issue a license under articles I or II of chapter 19 upon the following criteria:

- (1) Peddlers occupying over fifty (50) square feet of space shall obtain a city privilege tax license and pay a two (2) percent tax on all sales as provided in article II, chapter 19 of the Tucson Code.
- (2) Peddlers occupying less than fifty (50) square feet of space shall obtain a peddlers license, as provided in article I, chapter 19 of the Tucson Code, for the first two (2) quarters of operation.
- (3) Peddlers occupying less than fifty (50) square feet of space shall, prior to commencing the third quarter of operation, obtain a city privilege tax license and pay a two (2) percent tax on all sales as provided in article II, chapter 19 of the Tucson Code.

(Ord. No. 8129, § 2, 9-27-93)

Sec. 7-36. Time period to operate.

Subject to the provisions of sections 20-202 and 20-203, a peddler may operate from a single loca-

tion for periods of time not to exceed twelve (12) consecutive hours.

(Ord. No. 8129, § 2, 9-27-93)

Sec. 7-37. Police to respond to complaints.

The Tucson Police Department is authorized to enforce the provisions of this article.

(Ord. No. 8129, § 2, 9-27-93; Ord. No. 8195, § 1, 1-24-94)

Sec. 7-38. Peddlers operating at business entrances.

A peddler operating from any public location shall not locate within ten (10) feet of business entrances and exits of business operating on private property, or within five (5) feet of other physical obstructions found on a public location.

(Ord. No. 8129, § 2, 9-27-93; Ord. No. 8195, § 1, 1-24-94)

Sec. 7-39. Peddlers operating near other peddlers.

A peddler operating on a public location may not locate within fifty (50) feet of another such peddler operating on a public location.

(Ord. No. 8129, § 2, 9-27-93)

Sec. 7-40. Definitions.

Peddler means any person who sells merchandise from a location other than a permanent location.

Public location means city-owned public rights-of-way including streets, roads, sidewalks, alleys, easements and other property owned by the City of Tucson.

(Ord. No. 8129, § 2, 9-27-93)

Secs. 7-41–7-61. Reserved.

ARTICLE III. FORTUNETELLERS*

Sec. 7-62. Definitions.

As used in this article, "fortuneteller" means every person who within the city carries on, prac-

*Cross reference—License fee for fortunetellers, § 19-28(68).

method of parking a vehicle shall be a mandatory fine of thirty (\$30.00), no part of which may be suspended or waived by the court. This fine includes any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00)

Sec. 20-247. Parking for certain purposes prohibited.

It is unlawful to park a vehicle upon any roadway for the purpose of:

- (1) Washing, greasing or repairing such vehicle, except for immediate repairs necessitated by an emergency and necessary to be made before the vehicle can be moved; or
 - (2) Displaying commercial exhibits, except by special permit lawfully issued by the city.
- (Ord. No. 9196, § 1, 1-25-99)

Sec. 20-248. Parking regulations for peddlers.

No peddler shall park a vehicle or alternating vehicles or series of vehicles on any public street for the purpose of peddling food or wares for a period in excess of sixty (60) continuous minutes, or in excess of one hundred twenty (120) minutes in any 24-hour period at one (1) location. The parking of such vehicle within a distance of three hundred (300) feet from the original parking space shall be deemed one (1) location. No service from such vehicle to the public shall be made from the traffic side or the side of the vehicle which faces the center of the public street. However, such vehicle may park for such purposes in the vicinity of a special event, such as a football game or other sporting event, circus, fair, rodeo or parade, during the period of the event, plus one (1) hour, prior to and after the event.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-248.1. Parking regulations for peddlers in certain central business district streets.

(a) Peddlers may not park a vehicle for the purpose of peddling food or wares in the central business district upon Stone Avenue between

Franklin Street and 14th Street, and upon Congress Street and upon Pennington Street between Sixth Avenue and Church Avenue, except in the red painted street zones at the following designated areas:

- (1) North side of Pennington Street, east of Stone Avenue;
- (2) West side of Stone Avenue, north of Pennington Street;
- (3) South side of Congress Street, east of Stone Avenue.

Parking for such purposes at permitted areas is limited from 9:00 a.m. to 4:00 p.m., Monday through Friday, and is not permitted on sidewalks.

(b) The permitted area may not be used for peddlers' vehicles all day on special event days when the named streets are blocked off to vehicle traffic.

(c) Peddlers' vehicles must be removed immediately in event of an emergency, and must be at least fifty (50) feet from any objecting business.

(d) Only one (1) peddler's vehicle is permitted for each permitted designated area. The first peddler at the area each day shall have prior right to the area until the vehicle is removed.

(e) The maximum size of a peddler's vehicle shall be forty-eight (48) inches high, forty-eight (48) inches wide, and seventy-two (72) inches long.

(f) All items relating to the peddling activity must be kept in or under the peddler's vehicle, and nothing placed on any public area adjacent to the vehicle, including signs.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-249. Freight curb loading zones; location of provisional zones in parking meter zones.

The director of transportation is hereby authorized to determine the location of provisional freight curb loading zones within any parking meter zone. The director of transportation may at